



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

JLP:ddj

Docket No: 3897-00

15 August 2000

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 August 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 1780 PERS 604 of 21 July 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



**DEPARTMENT OF THE NAVY**  
**NAVY PERSONNEL COMMAND**  
**5720 INTEGRITY DRIVE**  
**MILLINGTON TN 38055-0000**

1780  
PERS-604

21 JUL 2000

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO  
[REDACTED]

Ref: (a) CNPC memo 5420 PERS-00ZCB of 11 Jul 00  
(b) Title 38, United States Code, Chapter 34  
(c) Title 38, United States Code, Chapter 30  
(d) CNPC ltr 1780 Ser 604/082 of 17 May 00  
(e) PHONCON CNPC (PERS-604B6) Ms. Schmitt/DFAS Denver  
(FYCC) Ms. Rapp of 21 Jul 00

1. The following is provided in response to reference (a):

a. Recommend denial of [REDACTED] request to be enrolled in the Montgomery GI Bill (MGIB) Program. Eligibility for Federally Legislated Education Benefit Programs is determined by the member's initial entry onto active duty. Per reference (b), the educational program available to [REDACTED] when he entered active duty with the Navy on 22 January 1976 was the Vietnam Era GI Bill (VEGIB). Opportunity for [REDACTED] to draw educational benefits from VEGIB Program ended 31 December 1989.

b. Per reference (c), the MGIB Program is the educational benefit program available to servicemembers who enter active duty for the first time on or after 1 July 1985. On 1 January 1990, Vietnam era members meeting certain criteria were converted automatically from the VEGIB Program to the MGIB Program. [REDACTED] did not meet the requirements for conversion to the MGIB Program because he did not continuously serve on active duty during the time period required by law.

c. [REDACTED] served on active duty from 22 January 1976 to 7 January 1986. He re-entered active duty on 24 October 1988 and served until 31 December 1997. When Mr. Christlieb re-entered active duty on 24 October 1988, he was erroneously enrolled in the MGIB Program and \$1,200 was reduced from his pay from 1 November 1988 through 31 October 1989. A refund of Mr. Christlieb's \$1,200 was requested by reference (d). Per reference (e), DFAS Denver expects to process the refund by the end of July 2000.

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2. PERS-604's point of contact is Ms. Ann Schmitt who can be reached at (C) 901-874-4260 or (DSN) 882-4260.



T. J. CEPRAK  
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